

SENATE BILL 3247  
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 17, Part 4, relative to certain  
hallucinogenic plants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by  
adding the following as a new section:

§ 39-17-452.

(a) As used in this section:

(1) "Distribute" means to sell, lease, rent, barter, trade, furnish,  
supply, or otherwise transfer in exchange for anything of value a material,  
compound, mixture, or preparation intended for human consumption  
which contains a hallucinogenic plant.

(2) "Hallucinogenic plant" means any part or portion of any of the  
following:

(A) *Brugmansia arborea*.

(B) *Amanita muscaria*.

(C) *Conocybe* spp.

(D) *Panaeolus* spp.

(E) *Psilocybe* spp.

(F) *Stropharia* spp.

(G) *Vinca rosea*.

(H) *Ipomoea violacea*.

(I) *Datura* spp.

(J) *Pancreatium trianthum*.  
(K) *Kaempferia galanga*.  
(L) *Olmedioperebea sclerophylla*.  
(M) *Mesembryanthemum* spp.  
(N) *Virola* spp.  
(O) *Anadenanthera peregrina*.  
(P) *Anadenanthera colubrina*.  
(Q) *Erythina* spp.  
(R) *Genista canariensis*.  
(S) *Mimosa hostilis*.  
(T) *Rhynchosia* spp.  
(U) *Sophora secundiflora*.  
(V) *Peganum harmala*.  
(W) *Banisteriopsis* spp.  
(X) *Tetrapteris methystica*.  
(Y) *Heimia salicifolia*.  
(Z) *Tabernanthe iboga*.  
(AA) *Prestonia amazonica*.  
(BB) *Lagoehilus inebrians*.  
(CC) *Rivea corymbosa*.  
(DD) *Salvia divinorum*.  
(EE) *Atropa belladonna*.  
(FF) *Hyoscyamus niger*.  
(GG) *Mandragora officinarum*.  
(HH) *Brunfelsia* spp.

(II) *Methysticodendron amesianum*.

(JJ) *Latua pubiflora*.

(KK) *Calea Zacatechichi*.

(LL) *Physalis subglabrata*.

(MM) *Solanum carolinense*.

(3) "Homeopathic drug" means any drug labeled as being homeopathic which is listed in the Homeopathic Pharmacopeia of the United States, an addendum to it, or its supplements. The potencies of homeopathic drugs are specified in terms of dilution. Homeopathic drug products must contain diluents commonly used in homeopathic pharmaceuticals. Drug products containing homeopathic ingredients in combination with non-homeopathic active ingredients are not homeopathic drug products.

(4) "Manufacture" means the production, preparation, propagation, compounding, or processing of a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Manufacturer includes any person who packages, repackages, or labels any container holding a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant.

(5) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a hallucinogenic plant.

(b)

(1) It is an offense to knowingly produce, manufacture, distribute, or

possess with intent to produce, manufacture, or distribute a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant.

(2) It is an offense to knowingly possess a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant.

(c)

(1) A violation of (b)(1) is a Class D felony. Notwithstanding the provisions of § 40-35-111, a violation of subsection (b)(1) may also be punished by a fine of not more than twenty thousand dollars (\$20,000).

(2) A violation of (b)(2) is a Class E felony. Notwithstanding the provisions of § 40-35-111, a violation of subsection (b)(2) may also be punished by a fine of not more than five thousand dollars (\$5,000).

(d) The provisions of this section shall not apply to the possession, planting, cultivation, growing, or harvesting of a hallucinogenic plant strictly for aesthetic, landscaping, or decorative purposes.

(e) The provisions of this section shall not apply to any dosage form which is legally obtainable from a retail establishment without a prescription and is recognized by the Federal Food and Drug Administration as a homeopathic drug.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.